Supreme Court, U.S.
FILED

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No. ____

In The

Supreme Court of the United States

RAMON TORRES GONZALEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The First Circuit

PETITION FOR WRIT OF CERTIORARI

MARLENE APONTE, ESQ.
Counsel of Record
USDCPR 208603
App. Bar. No. 36439
BRUCE W. SIMON, ESQ.
JOSEPH S. LYONS, ESQ.
Attorneys for Petitioner
MSC 128, Sierra Morena 271
Las Cumbres
San Juan, P.R. 00926
(787) 720-7937

116 pp

QUESTIONS PRESENTED

1. Whether, when the government admits there has been a forfeiture, if the government acted wrongfully in the forfeiture process, it may rely on the equity principles of a Rule 41(e) to deprive Petitioner of his property.

2. Whether a forfeiture accomplished without adequate notice is void and must be vacated after serving the U.S. Attorney with notice and not the petitioner who was in custody?

3. Whether a forfeiture of almost $14 million dollars should be voided and vacated when it was seized under an invalid seizure warrant, was converted into two checks given to two government agencies days later after it was seized, and without notice to the claimant who was in custody of the government at that time?

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PETITION FOR WRIT OF CERTIORARI

Ramón Torres González respectfully prays that a writ of certiorari be issued to review the judgment and opinion of the United States Court of Appeals for the First Circuit entered in this proceeding on February 12, 2001, which is contrary to and conflicts with prior decisions of this Honorable Court and other Circuits.

OPINION BELOW

The Opinion of the United States Court of Appeals for the First Circuit that gives rise to this petition is reprinted in Appendix (a).

JURISDICTION

On January 24, 2001, the District Court for the District of Puerto Rico denied Petitioner's request for the return of property under Fed. R. Crim.P.41(e). On January 28, 2001, a timely notice of appeal was filed. On February 12, 2001, the First Circuit Court of Appeals affirmed the District Court on other grounds. Pursuant to Supreme

Court Rule 13.1, this petition has been filed within 90 days of entry of judgment.

The jurisdiction of the Court is invoked pursuant to 28 U.S.C. §1254(1).

STATUTES INVOLVED IN THE CASE

The Fifth Amendment to the United States Constitution provides in its pertinent section, that:

> No person shall...be deprived of life, liberty or property, without due process of law...

19 U.S.C. § 1607 in its pertinent section provides:

> Seizure, value $500,000 or less, prohibited articles...
> (A)Notice of seizure
> If-
>
> (4) such seized merchandise is any monetary instrument within the meaning of section 5312(a)(3) of title 31; the appropriate customs officer shall cause notice of a seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of Treasury may direct.

> Written notice of seizure together with procedures shall be sent to each party who appears to have interest in the seized article.

Fed. R. Crim. P. 41(e) provides in its relevant section that a

> "person aggrieved by an unlawful search or by deprivation of property may move the district court for the district in which the property was seized for the return of the property on the ground that such person is entitled to lawful possession of the property. The court shall receive evidence on any issue of fact necessary to the decision of the motion."

STATEMENT OF THE CASE

On November 1, 1990, the Grand Jury returned an indictment in Criminal Case No. 90-370(CCC). Petitioner was in government custody since his arrest in on November 30, 1990. On December 14, 1990, the Drug Enforcement Administration Seized $13,848,455 and some jewelry found buried in a wall at a house located in the Municipality of Vega Baja, Puerto Rico. On December 17 and 18, 1990 the money was transported to Miami, Florida, via aircraft, and days

later the money was converted into two cashier's checks of $6,924,227.50 each, numbers 2158347 and 2158348 at Southeast Bank, N.A. On December 31, 1990, one check was given to the FBI and another check was given to the U.S. Marshals Service only days after the funds were seized pursuant to the judicial seizure warrant in civil case no. 90-1652(GG) titled *United States v. Forty Three (43) Million Dollars*. The jewelry was seized and forfeited in a separate procedure. (App. h, Report of Seizure p. 95).

The money was seized under an invalid judicial seizure warrant, which does not make reference to the $14 million, the Court of Appeals stating in its Opinion that "the order did not, on its face, apply to the $14 million." (App. a, Opinion, p. 11), and which the government conceded there was no notice given to petitioner, who at the time was in custody.

There was no service of process returned as to Defendant for the approximately $14,000,000 seized on December 14, 1990 nor was there any administrative notice served. At the time of the seizure, appellant was in custody for the 90-370 (CCC) indictment. The United States

Attorney then, Daniel F. López Romo, was the person served with process of the $14,000,000 seizure once the money was converted to checks.

The service of process sheet making reference to the two checks containing the $14 million amount seized in December 1990 identified the caption case number of the civil case no. 90-1652(GG) which referred to the *United States v. Forty Three (43) Million Dollars* case which had been filed back in May 1990. (App. b, Service of Process)

The process sheet alleged the money seized was part of the forfeiture in rem case 90-1652 (GG) which sought to forfeit $43 million dollars seized in the Municipality of Dorado and other property listed in the complaint. The $14 million seized in Vega Baja six months later and almost simultaneously converted to checks and forfeited was not listed. (App. a, First Circuit Opinion findings)

A Plea Agreement in the criminal case was signed on January 31, 1992, (App f) thirteen months after the seizure and forfeiture of the checks. Petitioner pled guilty to the CCE count in exchange for an

eighteen year sentence. The Change of Plea hearing was held on February 7, 1992. Sentencing took place on May 11, 1992. There was no stipulation, nor judicial finding, that the checks from the money seized back in December 1990 were part of the plea agreement nor of the judgment in the criminal case. There was a preliminary order of forfeiture entered in the criminal case. (App. g, Judgment and Commitment Order)

Defendant filed a Motion for return of seized property under Fed. R. Crim. P. 41(e). The Fed. R. Crim. P. 41(e) motion was denied without a hearing on January 28, 2000. (App. c)

Before the District Court and on appeal, the United States stated the $14 million was part of forfeiture in rem case 90-1652 (GG) and the District Court agreed with the Government. Notice of Appeal was filed pro se by Appellant on February 4, 2000 through prison mail. (App. d) The Court of Appeals ruled that regarding civil forfeiture no. 90-1652 (GG) "There was no factual basis on the record to establish that

the $14 million buried in the wall at Vega Baja is traceable to the $43 million buried in plastic barrels at defendant's farm in Dorado. It is far from clear that the government complied with the formalities of forfeiture procedure. We cannot say there was a clear civil order as to this property which Torres González was required to appeal." (Opinion, App. a).

For the first time on appeal, the government alleged that the monies were part of the criminal case even though the plea agreement does not contain address the specific assets properties to be forfeited and specifically delineated distribution of these proceeds, and even when the defective process sheet (App. b) and their own reports (App. h, Report of Seizure) identify the seizure as being part of $43 million civil in rem procedure. This position is clearly not supported by the record.

The Court of Appeals erroneously found that the monies were part of the criminal case, that petitioner relinquished the property in the plea agreement and that it would be inequitable to return it to petitioner, citing *U.S. v. Grover*, 119 F.3d 850, 852 (10th Cir. 1997). However,

the *Grover* agreement contained specific properties to be forfeited and delineated distribution of those proceeds between the government and Grover. The instant Indictment (App. e) did not have a forfeiture count, the plea agreement did not stipulate or specify any particular property to be forfeited (App. f) and the Judgment and Commitment Order did not make reference to any forfeiture (App. g).

REASONS FOR GRANTING THE WRIT

The First Circuit Court Opinion directly conflicts with the procedural and substantive due process of law and with the law in other circuits and with this Court's Opinion in *United States v. A Parcel of Land*, 507 U.S. 111, 127 (1993) ("nothing vests in the government until some legal step shall be taken."). The government, in its written response to a Rule 41(e) motion admits in its position that, by forfeiture, the movant has already permanently lost his right to the pertinent property, the government's judicial admission is enough to deprive the court of authority to grant the Rule 41(e) motion. *United States v.*

Watkins, ___ F.3d.__(11th Cir. 1997), citing *United States v. Castro*, 883 F.2d 1018, 1019 (11th Cir. 1989)(when the government admits there has been a forfeiture, the issue becomes whether the government has acted wrongfully in taking the property.) At the District Court level and on appeal before the First Circuit, the government held its stance that the $14 million was in fact forfeited in the civil proceeding 90-1652 (GG). Having determined this, the Court of Appeals was without jurisdiction to affirm the Rule 41(e) denial and, since it found that notice was lacking in the civil case and the property seized was not identified in the forfeiture case nor traced back to any of the items listed for forfeiture, the only available remedy would be to order the return of the money improperly forfeited.

In this case the government seized the money, converted it into two checks and gave it to two of its agencies, only serving the U.S. Attorney with notice, while petitioner was in the United States' custody. The amount forfeited exceeds the statutory limitation in which the government can forfeit without judicial proceedings. 19 U.S.C. §1607

Money in excess of $500,000 cannot be administratively forfeited, since the Customs Laws of the United States 19 U.S.C. §§1602-1618, require judicial forfeiture for amounts in excess of $500,000 and further these sections require adequate notice to claimants.

A forfeiture must be vacated and treated as void when notice is constitutionally ineffective. *Robinson v. Hanrahan*, 409 U.S. 38, 93 S.Ct. 30, 34 L.Ed. 2d 47 (1972), *Mennonite Board Missions v. Adams*, 462 U.S. 38, 93 S.Ct. 791, 103 S.Ct. 2706, 77 L.Ed. 2d 180 (1983), *United States v. Rogers*, 108 F.3d 1247 (10th Cir. 1997); *Aero-Medical, Inc. v. United States*, 23 F.3d 328, 331 (10th Cir. 1994)(vacating administrative forfeiture were notice inadequate); *Armendariz Mata v. Department of Justice*, 82 F.3d 679, 683 (5th Cir. 1996); *United States v. Volanty*, 79 F.3d 86,88 (8th Cir. 1996)(noting that "when an administrative forfeiture is void for lack of notice, a district court must set aside the forfeiture Declaration and order the DEA either to return [the] property or commence judicial forfeiture in the district court" (quotation omitted)); *United States v. 2751 Peyton Woods*

Trail, 66 F.3d 1164, 1166-7 (11th Cir. 1995)(dismissing forfeiture complaint where petitioner received neither notice or a hearing before the issuance of warrants seizing the property); *United States v. Giraldo*, 45 F.3d 509, 512 (1st Cir. 1995)("If the notice turns out to be inadequate, the forfeiture is void.")

The Court of Appeals erred in finding that the checks in question were part of the criminal case, since there was no forfeiture count, no identification of any property subject to forfeiture pursuant to the plea agreement entered by the parties, and there was not even an allegation that an interest or property was subject to criminal forfeiture that would allow the entry of a preliminary forfeiture order, which was non existent in this case. In addition, petitioner was already punished for the offense by being sentenced to a term of incarceration of eighteen years. The Court of Appeals decision adds an additional criminal punishment that is not contemplated on the record of the criminal case. Criminal forfeiture is a form of punishment See *Libretti v. United States*, 516 U.S. 29 (1995). "No judgment of forfeiture may be entered in a criminal

proceeding unless the indictment or information shall allege the extent of the interest or property subject to forfeiture." Fed. R. Crim.P. 7(c)(2). Further, [i]f the indictment or information alleges that an interest or property is subject to criminal forfeiture, a special verdict shall be returned as to the extent or interest or property subject to forfeiture, if any." Fed. R. Crim.P. 31(e). See also *United States v. Rogers*, 102 F.3d 641, 647 (1st Cir. 1996).

The First Circuit opined that "it would be inequitable" to return the money seized to Petitioner. Insofar as the doctrine of equity is considered, the government's "inexplicable fail[ure] to remedy" an improper forfeiture notice or initiate proper judicial proceedings, should be considered to determine that they do not hold clean hands that would justify finding against Petitioner. See *United States v. Marolf*, 173 F.3d 1213, 1219 (9th Cir. 1999); and *United States v. One Toshiba Color T.V.*, ____ F.3d___ (3rd Cir. 1998). Anyway, even despite the unclean hands of the the Respondent, their own admission that the money was forfeited as part of the in rem proceedings in the District Court now

deprives them of a ruling based on equity. See *Watkins*, *supra*.

The First Circuit Court Opinion holding in this case has the effect of allowing the United States, under the aegis of a general forfeiture clause in a plea agreement that never identified or stipulated the property subject to forfeiture, to seize and appropriate any property, without limitation on the amount, types or time periods, obviating all administrative and statutory directives controlling forfeiture proceedings, without notice and regardless of whether the defendant is being punished with extensive imprisonment. To allow such practice shocks the conscience and seriously affects the integrity or public reputation of the judicial proceedings, of the government administrative action and it justifies this Court's intervention.

CONCLUSION

For the foregoing reasons, the petition for writ of certiorari should be granted.

In San Juan, Puerto Rico. On May 12, 2001.

Respectfully submitted,

Marlene Aponte, Esq.
USDCPR 208603
App. Bar. No. 36439
Counsel of Record
MSC 128
Sierra Morena 271
Las Cumbres
San Juan, P.R. 00926
(787)720-7937

Bruce W. Simon, Esq.
600 Gumbel Building
801 Walnut Street
Kansas City, Missouri 61046
(816)471-3430

Joseph S. Lyons, Esq.
1006 Dulaney Valley Road
Towson, Maryland 21204
(410)583-7068

App. 1

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 00-1370
No. 00-1384

UNITED STATES,
Appellee

v.

RAMON TORRES-GONZALEZ, a/k/a Rey, a/k/a El Loco, a/k/a Jorge Santana, a/k/a Nelson Vargas,

JUDGMENT

Entered: February 12, 2001

This cause came on to be heard on appeal from the United States District Court for the District of Puerto Rico, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The sentence and the denial of the rule 41(e) motion are affirmed. So ordered.

By The Court

PHOEBE MORSE (STAMP)

Clerk.

cc: Marlene Aponte Cabrera
Jose Javier Santos Mimosa

App. 2

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 00-1370
No. 00-1384

UNITED STATES OF AMERICA

Appellee

v.

RAMON TORRES-GONZALEZ

Defendant, Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[Hon. Carmen Consuelo Cerezo, U.S. District Judge]

Before
Boudin, Stahl, and Lynch, Circuit Judges

Marlene Aponte Cabrera for appellant.

José Javier Santos Mimosa, Assistant United States Attorney, and Lena Watkins, Trial Attorney, Criminal Division, United State

Department of Justice, with whom Guillermo Gil, United States Attorney, was on brief, for appellee.

February 12, 2001

LYNCH, Circuit Judge. This is a direct appeal from a sentence imposed on Ramon Torres-Gonzalez after his guilty plea, and from the denial of his effort, under Rule 41(e), Fed. R. Crim. P., to have returned to him some $14 million in drug monies that the United States seized. We affirm the district court on both points.

I.

The facts relevant to this appeal arise from two related actions. On May 10, 1990, the United States brought civil forfeiture proceedings in rem to seize property belonging to Torres-Gonzalez, including some $43 million thought to be buried in barrels on Torres-Gonzalez's farm at Barrio Espinosa in Dorado, Puerto Rico. Under an arrest warrant, the government seized most barrels of money. In August 1990, the district court issued a partial decree of forfeiture, which did not describe any buried monies.

The second action began in November 1990, when a grand jury indicted Torres-Gonzalez on drug charges. In early December 1990, he was detained in Venezuela and brought to the United States. Torres-Gonzalez and his wife each told the government there were drug monies hidden at the home of the wife's father. The government then found close to $14 million ($13,848,455, to be exact) buried in a hollow plaster column at the father's house in Vega Baja. The government seized the property but never filed a separate forfeiture action for the $14 million. At that time (and thereafter) Torres-Gonzalez was in U.S. custody.

In the civil forfeiture proceeding, the district court then issued, at the government's request, a "Second Partial Decree of Forfeiture," which forfeited "Approximately Forty-three Million Dollars . . . Contained in Twenty Two Plastic Barrel Type Containers, Which Were Buried at a Farm Located at Sector Tiburon, Barrio Espinosa, Dorado, Puerto Rico, Owned by Ramon Alberto Torres-Gonzalez."

Under a written plea agreement, on February 7, 1992

Torres-Gonzalez entered a guilty plea, admitting to one count of engaging in a continuing criminal enterprise distributing drugs in violation of 21 U.S.C. § 848. In May 1992, he was sentenced to eighteen years' imprisonment. At his plea hearing, defendant was not advised of his right to appeal his sentence; his case was consequently reopened by district court order on a petition under 28 U.S.C. § 2255. A new sentencing hearing was held on February 15, 2000, and Torres-Gonzalez was resentenced, again to eighteen years.

On January 13, 1998, Torres-Gonzalez filed a motion under Rule 41(e) seeking the return of the $14 million. The magistrate judge recommended denying the motion on the grounds that the $14 million was included in the forfeiture of the $43 million authorized in the civil action. Torres-Gonzalez duly objected to the magistrate judge's report and recommendation. The district court adopted the proposed order and held that the return of the money was barred by res judicata. Defendant appeals.

II.

On appeal Torres-Gonzalez raises three arguments. First, he argues that the sentence should be vacated because the U.S. did not have jurisdiction to try him upon his seizure in Venezuela, and no proper extradition proceedings were held. Second, he contends that the $14 million should be returned. He argues that he was never served with process upon the seizure of the monies, that no forfeiture complaint was filed with respect to that particular money, and that therefore the district court should have granted him hearing under Rule 41(e). Finally, Torres-Gonzalez says that his resentencing in February 2000 was in error because no updated Presentence Report was used. We take each argument in turn.

A. Lack of jurisdiction over person.

Torres-Gonzalez argues that his conviction should be vacated because the United States seized him in Venezuela and did not properly extradite him, although Venezuela has had a bilateral

extradition treaty with the United States since 1922.[1] As a result of his removal from Venezuela by means other than extradition, he says, the district court did not properly have jurisdiction over him when he pled guilty.[2] He says that this claim is not waived him waived because at the time he pled guilty, he was not aware he had not been extradited an so

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[1] See Treaty of Extradition Between the United States of America and Venezuela, Jan. 19-21, 1922, 43 Stat. 1698, T.S. No. 675. This bilateral extradition treaty did not encompass drug trafficking offenses. Article 6 of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 28 I.L.M. 493 (1989), did incorporate trafficking offenses into pre-existing extradition treaties between the parties. The applicability of this provision to Torres-Gonzalez is not clear, as the Convention was not ratified by Venezuela until July 16, 1991, after the completion of defendant's offense and his removal. The United States and Venezuela were also parties to the Single convention on Narcotic Drugs, 1961, 18 U.S.T. 1407. Article 36 of that Convention, as amended, also made narcotics offense extraditable offenses under existing treaties, see 1971 WL 31612, at *8. Since the issue of whether or not the defendant's offense was extraditable is not relevant to our conclusion, we do not reach that question.

[2] Torres-Gonzalez also argues that his seizure in Venezuela did not comply with 18 U.S.C. § 3184. This provision plainly does not apply to this case, as by its plain language, it governs the obverse situation: the extradition from the United States of individuals who may have committed crimes "within the jurisdiction of... [a] foreign government." Id.

he could not be expected to have raised the issue then.

The district court, relying on United States v. Alvarez-Machain, 504 U.S. 655 (1922), correctly concluded that the Supreme Court resolved this issue against Torres-Gonzalez. In Alvarez-Machain, the Court found that the extradition treaty between Mexico and the United States neither expressly nor impliedly prohibited the forcible abduction and removal of the defendant from Mexico to the United States; therefore, the Court held, such means of apprehension did not deprive the district court of jurisdiction over the defendant. See id. At 663-69. Defendant here provides no reason to distinguish his case. Indeed, in this case the Venezuelan authorities cooperated in his apprehension and voluntarily surrendered him to the United States. Under the logic of Alvarez-Machain, the district court had jurisdiction over Torres-Gonzalez. Because there is no jurisdictional defect, his unconditional guilty plea is waiver of all claims based on the lack of extradition. United States v. Cordero, 42 F. 3d 697. 698-99 (1st Cir. 1994).

B. The Government's Seizure of the $14 Million

Torres-Gonzalez argues that he is entitled to return of the $14 million seized in his father-in-law's house. He says the government should have started forfeiture proceedings against those particular monies, it did not, and now it is barred by the statute of limitations from doing so. The district court's reliance on the forfeiture against the $43 million is misplaced, he says. Those forfeiture proceedings, he argues, cannot be construed so elastically as to authorize forfeiture of all drug monies, whether described in the forfeiture proceeding or not. Indeed, the $43 million, he says. The government concedes it put no evidence on the record on this point.

He also challenges the government's reliance on his plea agreement, in which he agreed "to forfeit.... any interest he may have in drug or money laundering assets." This agreement, he says, only allows the government to start proceedings for forfeiture for any such property it identifies as drug or money laundering assets, and to follow the normal procedures for such proceedings, such as serving him with process. The

government did not do this. As it stands, he says, the plea agreement lacks any more detailed schedule of property the government could take, and, without that, the agreement is insufficient to effect a forfeiture without further proceedings.

The government first argues the $14 million was encompassed with its request for a second partial forfeiture decree, forfeiting the $43 million, but it concedes that it never served defendant with those papers, instead serving only the U.S. Attorney. The government contends that this criminal appeal is not the proper vehicle to attack a civil forfeiture; instead, Torres-Gonzalez should have challenged it in a motion to reconsider the Second Partial Order of Forfeiture. The government also advances the alternative theory that in the plea agreement, defendant agreed to "forfeit" drug proceeds meant that he would "give up" all drug proceeds, not that the government might institute forfeiture proceedings.

The government would be correct on its first theory if that second forfeiture order had plainly involved the $14 million at issue and

the government had served that request on defendant. However, the order did not on its face, apply to the $14 million. It referred only to money in "barrels" that were buried at defendant's farm, not property elsewhere. No factual basis exists in the record to establish that the $14 million buried in the wall at Vega Baja is traceable to the $43 million allegedly buried in plastic barrels at defendant's farm in Dorado. It is far from clear that the government complied with the formalities of forfeiture procedure. We cannot say there was a clear civil order as to this property from which Torres-Gonzalez was required to appeal.

Whether Torres-Gonzalez has any right to complain is a different matter. He does not, for several reasons. His motion for return of property was brought under rule 41(e), Fed. R. Crim. P.[3] That Rule

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[3] Rule 41(e) of the Federal Rules of Criminal Procedure provides for a "Motion for Return of Property," stating in relevant part:

> A person aggrieved by an unlawful search and seizure or by the deprivation of property may move the district court for the district in which the property was seized for the return of property on the ground that such person is entitle to lawful possession of the property. The court shall receive evidence on any issue of fact necessary to the decision of the motion.

has an equitable component. See United States v. Giraldo, 45 F. 3d 509, 511 (1st Cir. 1995) ("motions to return property filed under rule 41(e) are treated as 'civil equitable proceedings' when criminal proceedings have been completed") (quoting United States v. Martinson, 809 F. 2d 1364, 1366-67 (9th Cir. 1987))' Soviero v. United States, 967 F. 2d 791, 792-93 (2d Cir. 1992) (noting that request for return of property, whether deemed a Rule 41 (e) motion or separate civil proceeding, is subject to equitable concerns); see also Martison, 809 F. 2d at 1367 ("In ruling on the motion, the court must take into account all equitable considerations.")

Under these facts, it would be inequitable to order the return of the money to Torres-Gonzalez. In his plea agreement, Torres-Gonzalez agreed "to make a full and complete disclosure of all assets over which he exercise [d] control, directly or indirectly." He and his

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> If the motion is granted, the property shall be returned to the movant, although reasonable conditions may be imposed to protect access and use of the property in subsequent proceedings...

wife disclosed the $14 million and where indirectly." It is clear that it was drug money, and defendant has not advanced any argument to the contrary. Defendant also agreed "to forfeit . . . any interest he had in drug or money laundering assets in his plea agreement." In essence, in this plea agreement he consented to the forfeiture of the $14 million to the government, and surrendered any interest he might have in the property. Cf. United States v. Grover, 119 F. 3d 850, 852 (10th cir. 1997) (holding that defendant could not bring Rule 41 (e) motion where he relinquished any possessory interest in the property in forfeiture agreement accompanying plea agreement). Because of defendant's acquiescence, we need not consider whether a further equitable bar would arise because Torres-Gonzalez has been aware of the government's seizure since 1990 and did nothing to challenge it until January 1998. Care Whiting v. United States, 231 F. 3d 70, 75 (1st Cir. 2000). We thus affirm the district court's denial of the Rule 41(e) motion, although on different grounds.

C. Lack of an Updated Presentence Report

Finally, Torres-Gonzalez challenges the reliance of the court at the February 15, 2000 sentencing hearing on the PSR prepared in 1992. The failure to rely on an updated PSR, he says, is plain error.

At the February 2000 proceeding, both parties agreed that "there [was] no issue properly before [the court] on the contents of the [PSR]." Moreover, Torres-Gonzalez did not object either to the court's reliance o the 1992 PSR or to any specific information in it. Nor does he suggest on appeal any deficiencies in it. In addition, the February 2000 hearing provided him with a full opportunity to present any evidence he felt was relevant to his sentence. He has waived this challenge.

III.

The sentence and the denial of the Rule 41(e) motion are affirmed. So ordered.

US Department of Justice App.15

PROCESS RECEIPT AND RETURN +3*

United States Marshals Service

See instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF
UNITED STATES OF AMERICA

COURT CASE NUMBER
90-1652 (GG)

DEFENDANT
APPROXIMATELY FORTY THREE MILLION DOLLARS IN U.S. CURRENCY, ETC.

TYPE OF PROCESS
Decree, Warrant of Arrest in Rem

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE CONDEMN
U. S. Attorney's Office

#1 of #2

ADDRESS (Street or RFD, Apt. No., City, State and ZIP Code)
AT Room 452, Federal Building, Carlos Chardon Avenue, Hato Rey, PR 00918

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW Number of process to be Served with this Form -285 2

EDUARDO E. TORO FONT
ASSISTANT U.S. ATTORNEY
ROOM 101, FEDERAL BUILDING
HATO REY, PUERTO RICO 00918

Number of parties to be served in this case 1

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Re: Check Number 2158347, dated December 31, 1990, in the amount of $6,924,227.50, from Southeast Bank, N.A., Region 1, Miami, Florida.

Signature of Attorney or other Originator requesting service on behalf of: [x] PLAINTIFF

TELEPHONE NUMBER 766-5656 DATE

[ ] DEFENDANT

SIGNED

EDUARDO E. TORO FONT

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.

Total Process

District of Origin

District to Serve

(Sign only first USM 285 if more than one USM 285 is submitted) 2 No. 69 No. SIGNED 1/10/91

I hereby certify and retur that I [x] have personally served, [ ] have legal evidence of service, [ ] have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., shown above or on the individual, company, etc., shown at the address inserted below.

[ ] I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (*See remarks below*)

Named and title of individual served (if not shown above)

MR. DANIEL F. LOPEZ ROMO,
U.S. ATTORNEY

[ ] A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service Time AM 1/10/91 5:07 (PM)

ROOM 452, FEDERAL BUILDING, CARLOS CHARDON, AVE., H. REY

Signature of U.S. Marshal or Deputy

SIGNED

Service Fee (Including endeavors)	Total Mileage Charges	Forwarding Fee	Total Charges Advance Deposits	Amount owed to U.S. Marshal or Amount of Refund
$6.00			$6.00	

REMARKS:

US District Court for the Puerto Rico

CLERK'S OFFICE SEAL

District of

SIGNED

DATE 11/15/00

PRIOR EDITIONS MAY BE USED

FORM USM 285 (Rev. 12/15/80)

1. CLERK OF THE COURT

US Department of Justice

PROCESS RECEIPT AND RETURN +3*

United States Marshals Service

See instructions for "Service of Process by the U.S Marshal" on the reverse of this form.

PLAINTIFF
UNITED STATES OF AMERICA

COURT CASE NUMBER
90-1652 (GG)

DEFENDANT
APPROXIMATELY FORTY THREE MILLION DOLLARS IN U.S. CURRENCY, ETC.

TYPE OF PROCESS
Decree, Warrant of Arrest in Rem

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE CONDEMN
U. S. Attorney's Office

#2 of #2

ADDRESS (Street or RFD. Apt. No., City, State and ZIP Code)
AT Room 452, Federal Building, Carlos Chardon Avenue, Hato Rey, PR 00918

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW Number of process to be Served with this Form -285 2

EDUARDO E. TORO FONT
ASSISTANT U.S. ATTORNEY

Number of parties to be served in this case 1

ROOM 101, FEDERAL BUILDING
HATO REY, PUERTO RICO 00918

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDING SERVICE (Include Business and Alternate Addresses. All Telephone Numbers, and Estimated Times Available For Service):

Re: Check Number 2158348, dated December 31, 1990, in the amount of $6,924,227.50, from Southeast Bank, N.A., Region 1, Miami, Florida.

Signature of Attorney or other Originator requesting service on behalf of:			[x] PLAINTIFF
TELEPHONE NUMBER	DATE		[ ] DEFENDANT
SIGNED			766-5656
EDUARDO E. TORO FONT			1-9-91

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total Total Process District of Origin to Serve

Signature of Authorized USMS Deputy or Clerk
Date

number of process indicated.
(*Sign only first USM 285 if more than one USM 285 is submitted*)

2

No. 69

No. SIGNED
1/10/91

I hereby certify and retur that I [x] have personally served, [ ] have legal evidence of service, [ ] have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., shown above or on the individual, company, etc., shown at the address inserted below.

[ ] I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (*See remarks below*)

Named and title of individual served (if not shown above)

[ ] A person of suitable age and discretion then residing in the defendant's usual place of abode.

MR. DANIEL F. LOPEZ ROMO,
U.S. ATTORNEY

Address (complete only if different than shown above)

Date of Service Time AM 1/10/91 5:07 (PM)

ROOM 452, FEDERAL BUILDING, CARLOS CHARDON, AVE., H. REY

Signature of U.S. Marshal or Deputy
SIGNED

Service Fee	Total Mileage Charges	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or Amount of Refund
(Including endeavors)					
$6.00			$6.00		

REMARKS:

CLERK'S OFFICE SEAL

US District Court for the
Puerto Rico

District of

SIGNED
DATE 11/15/00

PRIOR EDITIONS
MAY BE USED

FORM USM 285 (Rev. 12/15/80)

1. CLERK OF THE COURT

CRIMINAL 90-0370CCC

JUAN PEREZ a/k/a JUNIO GIGOLO
a/k/a PATA DE JEY

Defendants

ORDER

Having considered the Magistrate's Report and Recommendation filed on August 24, 1999 **(docket entry 1138)**, as well as the objections **(docket entry 1143)** and supplemental objections **(docket entry 1149)** filed by defendant **Ramón Torres-González**, the Report and Recommendation is APPROVED and ADOPTED and the motion for return of seized property (docket entry 1063) is DENIED.

Having considered the Motion Requesting Early Release of Defendant from Supervised Release filed by defendant **José Maldonado-Hernández (docket entry 1125)** and the government's response **(docket entry 1156)**, the same is DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on January 27, 2000.

SIGNED
CARMEN CONSUELO CEREZO
United States District Judge

R/E: USHO 1/28/00
Shart
Santos
Dosah
Blanco
Cortés
AO 72A
(REV. 8/82)

App. 21

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v. CRIMINAL 90-0370 (CCC)

RAMON TORRES GONZALEZ,

Defendant

MAGISTRATE'S REPORT AND RECOMMENDATION

On January 13, 1998, defendant Ramón Torres González filed a motion seeking the return of seized property, $14,000,000. See Docket No. 1063. Defendant's motion is ostensibly filed pursuant to Federal Rules of Criminal Procedure 41(e). Torres González supplemented his motion for the return of seized property through a filing made on February 19, 1998. See Docket No. 1074. The government responded to defendant's motion on March 3, 1998. See Docket No. 1112. Having reviewed the relevant motions and the arguments made therein, I recommend that defendant's motion for return of seized property be denied.

Federal Rules of Criminal Procedure, Rule 41(e) states, in part, as follows:

A person aggrieved by an unlawful search and seizure or by

> the deprivation of property may move the district court for the district in which the property was seized for the return of the property on the ground that such person is entitle to lawful possession of the property.

The United States maintained an action *in rem* for the forfeiture of the monies in question. See Docket No. 1112; see also Civil Case No. 90-1652 (GG). In said action *in rem*, the United States moved for, and was granted, the forfeiture of approximately $43,000,000. See id. Part of that forfeiture included $13,848,455 which was seized from defendant. See id. Accordingly, principles of *res judicata* estop defendant's motion and any objection to the action in rem should have been raised in the context of that civil proceeding.

For the foregoing reasons, I recommended that defendant's motion for the return of the seized property be denied.

Under the provisions of Rule 510.2, Local Rules, District of Puerto Rico, any party who objects to this report and recommendation must file a written objection thereto with the Clerk of this Court within ten (10) days of the party's receipt of this report and recommendation. The written objections must specifically identify the portion of the recommendation, or report to which objection is made and the basis for such objections. Failure to comply

with this rule precludes further appellate review. See Thomas v. Arn, 474 U.S. 140, 155 (1985), reh'g denied, 474 U.S. 1111 (1986); Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992); Paterson-Leitch v. Massachusetts Elec., 840 F.2d 985 (1st Cir. 1988); Borden v. Secretary of Health & Human Servs., 836 F.2d 4, 6 (1st Cir. 1987);Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); United States v. Vega, 678 F.2d 376,

378-79 (1st Cir. 1982); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st. Cir. 1980).

At San Juan, Puerto Rico, this 24th day of August, 1999.

SIGNED
JUSTO ARENAS
United States Magistrate Judge

Santos
Rodríguez
Dansoh
Blanco
8/25/99
initial

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff	*
v.	*CRIMINAL 90-0370 (CCC)
Ramón Torres González, Defendant	*

****

OBJECTION TO THE MAGISTRATE'S REPORT AND RECOMMENDATION

TO THE HONORABLE COURT:

COMES NOW, Ramón Torres-González, represented by the subscribing attorneys, and very respectfully files the following objections:

1. The United States Magistrate Judge issued a Report and Recommendation dated August 24, 1999 in which he recommended that "defendant's motion for return of seized property be denied".

2. The United States Magistrate Judge base his Report and Recommendation on the erroneous fact that the monies that are being claimed (i.e. Approximately $14,000,000.00) are part of or are included in a civil forfeiture decree of approximately $43,000,000 which was obtained in the case.

3. The petitioner hereby objects to the Report and Recommendation for the following

reasons:

(1) The government improperly seized fourteen million dollars ($14 million) without ever conducting a proper forfeiture proceeding in order to legitimize said seizure.

(2) There was never any forfeiture proceeding initiated by the government pursuant to which a judicial decree of forfeiture could have been issued to properly divest the defendant of any entitlement or ownership rights that he otherwise may have had in the $14 million.

(3) The $14 million seized from the defendant was not a part of the $43 million that was forfeited by the government in a civil forfeiture action commenced on May 10th, 1990, under Case No: 90-1652 (GG).

(4) The forfeiture order relied upon by government and adopted by the Magistrate described the $43 million as follows:

"APPROXIMATELY FORTY THREE MILLION DOLLARS ($43,000,000.00) IN UNITED STATES CURRENCY, A/K/A "EL TESORO", CONTAINED IN TWENTY TWO PLASTIC BARREL TYPE CONTAINERS, WHICH WERE BURIED AT A FARM LOCATED AT SECTOR TIBURON, BARRIO ESPINOSA, DORADO., PUERTO RICO..."

(5) The Order refers to the $43 million found in 22 plastic barrel-type containers found buried at at farm at Sector Tiburón, Barrio Espinosa, Dorado, Puerto Rico. THE GOVERNMENT ADMITS THAT THE FOURTEEN MILLION ($14,000,000.00) IN U.S. CURRENCY WAS IMBEDDED IN A WALL.

(6) The location where the $14 million was found is quite distinct and apart from the site where the $43 million was found.

(7) In the decree pertaining to the $43 million which the government relied upon, the Court recites the relevant publication dates as May 16, 23 and 30. The $14 million was not even seized until December 14, 1990, over 200 days after the first publication for the $43 million.

(8) "Forfeitures are not favored; they should be enforced only when within both the letter and the spirit of the law." United States vs. One Ford Coach, 307 U.S. 219, 226, 59 S. Ct. 861, 33 Led. 1249, (1939).

ARGUMENT

The Magistrate erred in his finding and should have entered to discuss the facts of this decision. The Magistrate failed to take into consideration the facts of this case and the illegal action being taken by the United States. The Magistrate erred due to the fact that even in cases where the curt rules that

a property owner may not file a motion for return of property after the conclusion of a criminal case, the court still recognizes that the property owner may have other rights under statutory or common law for return of property wrongfully seized. Onwubiko vs. U.S., 969 F.2d. 1392 (2nd Cir. 1992). In the instant case not only did the defendant pursue his claim under statutory or common law but the underlying criminal case is arguably not concluded since the defendant presently is awaiting re-sentencing. It is also wee established that Court have jurisdiction to entertain collateral due process attacks on administrative forfeitures which may be pursued in civil action under the federal question jurisdictional statute. U.S. Giraldo, 45 F.3rd 509 (1st Cir. 1995). This case constitutes the most flagrant violation of DUE PROCESS that has been known to man. The government took the fourteen million dollars without any seizure warrant, without the filing of a forfeiture complaint, with out any publication of notice of forfeiture, thus affecting the Constitutional rights of third parties as well that of the defendant.

WHEREFORE, the defendant requests that this Court not adopt the Magistrates Report and Recommendation and schedule an evidentiary hearing in order to fully discuss and adjudicate this matter.

RESPECTFULLY SUBMITTED, at San Juan, Puerto Rico this 14th day of September, 1999.

JOSE F. BLANCO, Esq.
Bar No. 127011
Sagrado Corazón St. #470
Santurce, Puerto Rico 00915
Tel. 268-7749
Fax. 780-1355

RICHARD O. DANSOH, Esq.
Fla. Bar No. 579254
2800 Biscayne Blvd. Suite 900
Miami, Florida 33137
Tel. (305) 573-7444
Fax. (305) 573-7680

CERTIFICATION

I, Jose F. Blanco, Esq. hereby certify that a copy of the foregoing motion was hand delivered to Miguel A. Fernández, AUSA, Federal Building, Room #452, Hato Rey, Puerto Rico this 14th day of September, 1999.

Signed
José F. Blanco

App. 29

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

CR. NO. 90-370 (CCC)

RAMON TORRES GONZALEZ
Defendant - Claimant

NOTICE OF APPEAL

COMES NOW, defendant-claimant Ramón Torres González, Pro-Se, and give, Notice of Appeal, from claimants, Federal Rule of Criminal Procedure Rule 41(e), denied Order, dated January 27, 2000, received on February 1, 2000.

RESPECTFULLY SUBMITTED.

0 I Ramón Torres González, HEREBY CERTIFY I have served copy of the foregoing, Notice of Appeal, this February 4, 2000, upon: AUSA Miguel A. Fernández, U.S. Federal Building, 150 Carlos Chardón St., Room 452, Hato Rey, Puerto Rico 00918.

SIGNED
RAMON TORRES GONZALEZ
14619-053 Unit 3-A
M.D.C. Guaynabo
P.O. Box 2147
San Juan, Puerto Rico 00922

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff,

v.

RAMON TORRES-GONZALEZ
a/k/a REY
a/k/a EL LOCO a/k/a
JORGE SANTANA
a/k/a NELSON VARGAS
IRIS JANET CONCEPCION-
PEREZ a/k/a JENY
a/k/a DAMARIS DIAZ-DIAZ
MARIO TORRES-MELENDEZ
DAVID ECHEVARRIA-RIVERA
CARMEN SANTIAGO-FELICIANO
EVELYN SANTIAGO-FELICIANO
JOSE SANTIAGO-FELICIANO
a/k/a PAPO
PETER PARRA
JOSE PARRA-MORA
HENRY PARRA-BUITRAGO
JESUS MARTINEZ a/k/a JESUS
GARCIA
a/k/a EDDIE CHU
JESUS O. OCASIO a/k/a CHUITO
PABLO PANET-COLLAZO a/k/a
EL INDIO
EMILIO DIAZ-CASTILLO
a/k/a MILLITO
WILLIAM GUTIERREZ-VARGAS
a/k/a POPEYE
ALFREDO FUSTER-LABOY
ROBERTO RIVERA-MARTINEZ
MYRIAM MARTINEZ COUVERTIER

CR. NO.: 90-370 (J
INDICTMENT

Title 21 U.S.C. §§
841(a)
(1), 846, 848, 952 & 960
Title 18 U.S.C. §§ 2 & 1542

Title 31 U.S.C. §§ 5313,
5316, 5322 (b) & 5324

JUAN AMARO-RIVERA a/k/a BONNIE
OSVALDO RIVERA-OCASIO a/k/a PAPOTITO
FELIX ORTIZ-SANTIAGO a/k/a TONINA
JUAN ROSA-MARTINEZ a/k/a JOHNY
JOSE ENRIQUE BONILLA-MARTINEZ
a/k/a QUIQUE
EDWIN RIVERA-BONILLA
ANTONIO UMPIERRE-BRASS
a/k/a TONY EL GORDO
ALBERTO DIAZ-AGOSTO a/k/a ABY
EDGARDO RODRIGUEZ-TILLET a/k/a EGGY
SAMMY MEDINA-SOLER
JUAN PEREZ a/k/a JUNIOR GIGOLO
a/k/a PATA DE JUEY
Defendants

****

The Grand Jury Charges:

COUNT ONE

Beginning on or about the early month of 1985, and continuing up to and until the date of the return of this indictment, in San Juan, Carolina, Dorado, Vega Alta, Juncos, Ponce, Mayaguez, Puerto Rico, Dominican Republic, New York, New Jersey, Massachusetts, Pennsylvania, Florida, Georgia, Mexico, Colombia, South America, and elsewhere within the jurisdiction of this Court the defendants herein: ROMON TORRES-GONZALEZ a/k/a REY a/k/a EL LOCO a/k/a JORGE SANTANA a/k/a NELSON VARGAS (hereinafter referred to as RAMON TORRES-

GONZALEZ), IRIS JANET CONCEPCION-PEREZ a/k/a JENNY a/k/a DAMARIS DIAZ-DIAZ (hereinafter referred to as IRIS JANET CONCEPCION-PEREZ), MARIO TORRES-MELENDEZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, EVELYN SANTIAGO-FELICIANO, JOSE SANTIAGO-FELICIANO a/k/a PAPO, PETER PARRA, JOSE PARRA-MORA, HENRY PARRA-BUITRAGO, JESUS MARTINEZ a/k/a JESUS GARCIA a/k/a EDDIE CHU, JESUS O. OCASIO a/k/a CHUITO, PABLO PANET-COLLAZO a/k/a EL INDIO, EMILIO DIAZ-CASTILLO a/k/a MILLITO, WILLIAM GUITIERREZ-VARGAS a/k/a POPEYE, ALFREDO FUSTER-LABOY, ROVERTO RIVERA-MARTINEZ, MYRIAM MARTINEZ-COUVERTIER, JUAN AMARO-RIVERA a/k/a BONNIE, OSVALDO RIVERA-OCASIO a/k/a PAPOTITO, FELIX ORITZ-SANTIAGO a/k/a TONINA, JUAN ROSA-MARTINEZ a/k/a JOHNNY, JOSE ENRIQUE BONILLA-MARTINEZ a/k/a QUIQUE, EDWIN RIVERA BONILLA, ANTONIO UMPIERRE-BRASS a/k/a TONY EL GORDO, ALBERTO DIAZ-AGOSTO a/k/a ABY, JOE MALDONDADO-HERNANDEZ, EDAGARDO RODRIGUEZ-TILLET, SAMMY MEDINA-SOLER, JUAN PEREZ a/k/a JUNIOR GIGOLO a/k/a PATA DE JUEY, and others known

and unknown to the Grand Jury did unlawfully, intentionally willfully and knowingly conspire, combine, confederate and agree together and with each other to possess with intent to distribute amounts of cocaine, a Schedule II narcotic drug controlled substance, which amounts of cocaine exceeded five (5) kilograms, marihuana a Schedule I controlled substance which amounts of marihuana exceeded one hundred (100) kilograms, and heroin a Schedule I narcotic drug controlled substance which amounts of heroin exceed one (1) kilogram, all in violation of Title 21, United States Code, Sections 841(a) (1) and 846.

OBJECTS OF CONSPIRACY

The objects of said conspiracy were to import large amounts of controlled substances from Central and South America in to the vehicles, and industrial equipment for the purpose of distributing them for profit. It was a further object of the co-conspirators to use fictitious names and documentation to avoid the detection by law enforcement authorities of the organization's unlawful activities.

OVER ACTS

in furtherance of said conspiracy the co-conspirators committed,

among others, the following overt acts:

1. On January 23, 1985, RAMON TORRES-GONZALEZ filed a false application with the State Department of the Commonwealth of Puerto Rico obtain a passport under the name of NELSON VARGAS-COLTON so he could use it while traveling in relation to his narcotics trafficking activities.
2. On July 15, 1985, RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION PEREZ filed false applications with the State Department of the Commonwealth of Puerto rico to obtain passports under the names of JORGE SANTANA-MATOS and DAMARIS DIAZ-DIAZ respectively, so they could use them while traveling in relation to their narcotics trafficking activities.
3. Sometime during - September, 1985, EVELYNSANTIAGO-FELICIANO introduced RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ to DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO so they would act as mules to body carry cocaine from the Dominican Republic to Puerto Rico.

4. On September 21, 1985, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, EVELYN SANTIAGO-FELICIANO, and ISMAEL DELGADO ZANABRIA a/k/a MAELO, traveled from Puerto Rico to the Dominican Republic and met with RAMON TORRES-GONZALEZ.

5. On September 23, 1985, RAMON TORRES-GONZALEZ gave approximately twenty-one (21) kilograms of cocaine to IRIS JANET CONCEPCION-PEREZ, EVELYN SANTIAGO-FELICIANO, ISMAEL DELGADO-ZANABRIA a/k/a MAELO, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO, which they body carried in girdles from the Dominican Republic to Puerto Rico.

6. On October 31, 1985, at the request of IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, AND ALBA COLLAZO, traveled from Puerto Rico to the Dominican Republic where they met with RAMON TORRES-

GONZALEZ an IRIS JANET CONCEPCION-PEREZ.

7. On or about November 2, 1985, RAMON TORRES-GONZALEZ gave IRIS JANET CONCEPCION-PEREZ, and ALBA COLLAZO, approximately seventeen (17) kilograms of cocaine which the body carried in girdles to Puerto Rico.

8. On November 19. 1985, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO, traveled from Puerto Rico to Colombia, South America, to transport approximately one hundred thousand dollars ($100,000) in cash and pick up approximately thirty-five (35) kilograms of cocaine and a sample of heroin which DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO, transported to the Dominican Republic in suitcases on November 28, 1985, and delivered them to RAMON TORRES-GONZALEZ.

9. On November 30, 1985, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO, returned to Puerto Rico.

10. On December 2, 1985, RAMON TORRES-GONZALEZ

transferred a black Chevrolet station wagon, license plate 97B722, to DAVID ECHEVARRIA-RIVERA so he could use it in the importation of cocaine from Dominican Republic into Puerto Rico aboard a ferry boat.

11. On December 4, 1985, DAVID ECHEVARRIA-RIVERA traveled from Mayaguez, Puerto Rico, to the Dominican Republic on the ferry boat Dominican Viva picked up approximately thrity-five (35) kilograms of cocaine and on December 8, 1985, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO brought them to Puerto Rico in a hidden compartment of the black Chevrolet station wagon, license plate 97B722.

12. Around the month of December, 1985, RAMON TORRES-GONZALEZ instructed DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO to go to the Commonwealth of Puerto Rico State Department and claim that their passport had been stolen and request that new passports be issue so they could travel more frequently to Colombia, South America, to pick up kilograms of cocaine and

avoid detection by law enforcement authorities.

13. On December 19, 1985, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO filed applications with the Commonwealth of Puerto Rico State Department to obtain new passport.

14. On or about December 23, 1985, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled from Puerto Rico to Colombia, South America, and body carried in excess of one hundred thousand dollars ($100,000) in cash.

15. A few days after the dat referred to in overt act number 15 but prior to December 30, 19985, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled from Colombia, South America, to the Dominican Republic transporting approximately thirty (30) kilograms of cocaine in two (2) suitcases.

16. A few days after the date referred to in overt act number 16, DAVID ECHEVARRIA-RIVERA and CARMEN

SANTIAGO-FELICIANO returned to Puerto Rico to pick up the Chevrolet Station Wagon, license 97B722, and take it to the Dominican Republic to transport the cocaine referred to in overt act number 16 to Puerto Rico.

17. On December 30, 1985, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled from Mayaguez, Puerto Rico, to the Dominican Republic on the ferry boat Dominican Viva and picked up the cocaine referred to in overt act number 16, stored it in hidden compartments on Chevrolet Station Wagon, license plate 97B722 and on January 3, 1986, brought the cocaine to Mayaguez, Puerto Rico, where RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ were waiting.

18. On or about the month of April, 1986, RAMON TORRES-GONZALEZ instructed DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO to obtain passport under the names of Víctor Vélez-Martínez and Iris Yolanda Feliciano-Merced respectively.

19. On April 9, 1989, DAVID ECHEVARRIA-RIVERA and

CARMEN SANTIAGO-FELICIANO filed applications with the States Department of the Commonwealth of Puerto Rico to obtain passports under the names of Víctor Vélez-Martínez and Yolanda Feliciano-Merced respectively.

20. On or about the month of April, 1986, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO FELICIANO traveled to Colombia, South America, and body carried in excess of one hundred thousand dollars ($100,000) in cash and picked up approximately thirty-five (35) kilograms of cocaine and transported it in two (2) suitcases to the Dominican Republic where they delivered them to RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ.

21. The day after the date referred to in overt act number 21, RAMON TORRES-GONZALEZ,DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO traveled from the Dominican Republic to Puerto Rico.

22. A few days after the date referred to in overt act number 22, DAVID ECHEVARRIA-RIVERAand CARMEN

SANTIAGO-FELICIANO traveled on the ferry boat from Mayaguez, Puerto Rico to the Dominican Republic where they met with RAMON TORRES-GONZALEZ and IRIS JANET CONCEPTION-PEREZ.

23. A few days after the date referred to in overt act number 23, DAVID ECHEVARRIA-RIVERA hid the cocaine referred to in that overt act in the C hevrolet station Wagon, license plate 97B722.

24. The days after the date referred to in overt act number 23, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled on the ferry boat from Dominican Republic to Mayaguez, Puerto Rico bringing with them the Chevrolet station wagon, license plate 97B722, loaded with the cocaine referred to in overt act number 21.

25. The same day as the date referred to in overt act number 25, RAMON TORRES-GONZALEZ and IRIS JANET CONCEPTION-PEREZ were at Mayaguez, Puerto Rico waiting for DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO, and when they arrived

they escorted them to RAMON TORRES-GONZALEZ' house in Dorado, Puerto Rico, where they stored the cocaine referred to in overt act number 25.

26. During the subsequent days to the date referred to in overt act number 26, RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO FELICIANO, took approximately two hundred and then (210) kilograms of cocaine in suitcases to New York which they delivered to PETER PARRA.

27. Around the same time as referred to in overt act number 27 and sometime thereafter, PETER PARRA delivered one million three hundred and twenty thousand dollars ($1,320,000) in cash to RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA, as partial payment for the cocaine referred to in overt act number 27.

28. Some time after the date referred to in overt act number 28, RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO, took approximately

one hundred twenty (120) kilograms of cocaine in suitcases to New York.

29. A few days after the date referred to in overt act number 29, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA, delivered approximately sixty (60) kilograms of cocaine to JESUS MARTINEZ a/k/a JESUS GARCIA a/k/a EDDIE CHU in New York.

30. A few days after the date referred to in overt act number 30, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA, brought approximately two million dollars ($2,000,000) in cash from New York to Puerto Rico.

32. Sometime during the first week of July, 1986, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO, traveled from Puerto Rico to Colombia, South America, and picked up approximately twenty (20) kilograms of cocaine which DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO, delivered to IRIS JANET CONCEPCION-PEREZ in the Dominican Republic.

31. On July 8, 1986, DAVID ECHEVARRIA-RIVERA traveled from Mayaguez, Puerto Rico, to the Dominican Republic on the ferry boat Dominican Viva with the Chevrolet Station Wagon, license plate 97B722, where he met CARMEN SANTIAGO-FELICIANO and IRIS JANET CONCEPCION-PEREZ.

32. On July 13, 1986, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO raveled in the ferry boat Dominican Viva with the Chevrolet Station Wagon, license plate 97B722, loaded with the cocaine referred to in overt act number 32, from the Dominican Republic to Mayaguez, where IRIS JANET CONCEPCION-PEREZ was waiting to escort them to RAMON TORRES-GONZALEZ' house in Hortensia Street, Los Angeles Urbanization in Isla Verde, Puerto Rico.

33. On September 3, 1986, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA- RIVERA, purchased a Chevrolet Station Wagon, license plate 71C403, at Ferga Motors in Vega Alta, Puerto Rico, to be used from the Dominican Republic, through the ferry boat.

34. On September 11, 1986, DAVID ECHEVARRIA-RIVERA traveled from Mayaguez, Puerto Rico, to the Dominican Republic on the ferry boat Dominican Viva with the Chevrolet Station Wagon, license number 71C403.

35. On September 14, 1986, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled from the Dominican Republic to Mayaguez, Puerto Rico, on the ferry boat Dominican Viva with the Chevrolet station wagon, license number 71C403, loaded with approximately twenty-eight (28) kilograms of cocaine and delivered them to RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ.

36. On December 6, 1986, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA purchase another Chevrolet station wagon, license plate AKC-913, at Ferga Motors in Vega Alta, Puerto Rico, to be used in the importation of cocaine into Puerto Rico from the Dominican Republic through the ferry boat.

37. On December 7, 1986, DAVID ECHEVARRIA-RIVERA

and CARMEN SANTIAGO-FELICIANO traveled from Mayaguez, Puerto Rico, to the Dominican Republic in the ferry boat Dominican Viva with the Chevrolet station wagon, license number 71C403.

38. On December 11, 1986, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO brought the Chevrolet station wagon, license number 71C403, loaded with approximately thirty (30) kilograms of cocaine, from the Dominican Republic to Mayaguez, Puerto Rico, where RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ were waiting.

39. On or February, 1987, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO moved to RAMON TORRES-GONZALEZ' house in Hortensia Street, Los Angeles Urbanization, Carolina, Puerto Rico, and installed two (2) telephone with different names to be used by them and RAMON TORRES-GONZALEZ in his narcotics importation and distribution business.

40. Sometime around the months of February and March, 1987,

41. RAMON TORRES-GONZALEZ, started to make arrangements with a supplier in Mexico for a load of heroin.

42. Around the same time as referred to in overt act number 42 RAMON TORRES-GONZALEZ gave instructions to CARMEN SANTIAGO-FELICIANO to send money to a heroin supplier in Mexico.

43. On or about March 11, 1987, RAMON TORRES-GONZALEZ delivered one hundred thousand dollars ($100,000) in cash in five, ten and twenty dollar bills to DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO, and instructed them to open accounts for less than ten thousand dollars ($10,000) in different banks in order to launder his money.

44. On or about March 13, 1987, RAMON TORRES-GONZALEZ instructed DAVID ECHEVARRIA - RIVERA and CARMEN SANTIAGO-FELICIANO to withdraw the money in big bills from the above mentioned accounts and deliver it to him.

45. A few days after the date referred to in overt act number 45

RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, and DAVID ECHEVARRIA-RIVERA traveled from Puerto Rico to New York where RAMON TORRES-GONZALEZ purchased approximately two hundred and eighty (280) pound of marihuana and transported it in a Volvo to Detroit, Michigan, and delivered it to a friend of RAMON TORRES-GONZALEZ so he could distribute it.

46. Sometime in the late part of the month of March, 1987, or beginning of April, 1987, RAMON TORRES-GONZALEZ hired JOSE SANTIAGO-FELICIANO a/k/a PAPO to go to the Dominican Republic and pick up a load of cocaine and bring it to Puerto Rico.

47. On April 3, 1987, JOSE SANTIAGO-FELICIANO a/k/a PAPO traveled from Mayaguez, Puerto Rico to the Dominican Republic on the ferry boat Dominican Viva with the Chevrolet station wagon, license tag 71C403, picked up a load of cocaine and brought it to RAMON TORRES-GONZALEZ' house in Dorado, Puerto Rico.

48. Sometime around the month of April or May, 1987, RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ delivered approximately thirty (30) kilograms of cocaine to EMILIO DIAZ-CASTILLO a/k/a MILLITO and DAVID ECHEVARRIA-RIVERA who took them to Boston, Massachusetts, and stored them at EMILIO DIAZ-CASTILLO a/k/a MILLITO's house from where he was going to distribute them.

49. Sometime during the latter part of 1987 RAMON TORRES-GONZALEZ instructed DAVID ECHEVARRIA-RIVERA and MARIO TORRES MELENDEZ to travel to Colombia, South America, to prepare industrial lawn mowers for the importation of cocaine.

50. On January 25, 1988, RAMON TORRES-GONZALEZ in order to avoid detection by law enforcement authorities changed the license number pertaining to one of the Chevrolet station wagons that were being used to import cocaine from the Dominican Republic, form 71C043 to AOJ-422.

51 On January 26, 1988, following instructions given by

RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled on the ferry boat Dominican Viva with the Chevrolet station wagon license number AOJ-422 from Mayaguez, Puerto Rico, to the Dominican Republic where they met with RAMON TORRES-GONZALEZ and MARIO TORRES-MELENDEZ.

52. On February 12, 1988, and February 23, 1988, CARMEN SANTIAGO-FELICIANO traveled from the Dominican Republic to Puerto Rico to obtain a new birth certificate fro DAVID ECHEVARRIA-RIVERA, because he had lost his and needed one to depart from the Dominican Republic.

53. Sometime between January 27, 1988, and February 28, 1988, at the Dominican Republic, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA removed approximately four hundred and fifty (450) kilograms of cocaine from hidden compartments of five industrial lawn mowers that RAMON TORRES-GONZALEZ had imported from Colombia, South America.

54. A few days prior to February 27, 1988, RAMON TORRES-

GONZALEZ, MARIO TORRES- MELENDEZ, and DAVID ECHEVARRIA-RIVERA hid two hundred and eighty (280) kilograms of cocaine in secret compartments of the Chevrolet station wagon, license number AOJ-422.

55. On February 28, 1988, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO brought the Chevrolet station wagon, license number AOJ-422, load with cocaine from the Domincan Republic to Mayaguez, Puerto Rico, where RAMON TORRES-GONZALEZ and IRIS JANET CONCEPCION-PEREZ were waiting to escort them to their house in Dorado, Puerto Rico, where they stored the cocaine.

56. Around the month of March, 1988, RAMON TORRES-GONZALEZ gave instructions to CARMEN SANTIAGO-FELICIANO to travel to Colombia, South America, to pick up some documents and take them to the Dominican Republic and deliver them to MARIO TORRES-MELENDEZ.

57. During the month of March, 1988, RAMON TORRES-GONZALEZ instructed MARIO TORRES-MELENDEZ

and DAVID ECHEVARRIA-RIVERA to travel to Colombia, South America, to hide in other industrial lawn mowers approximately six hundred (600) kilograms of cocaine so he could import them into the Dominican Republic.

58. After hiding the cocaine in the lawn mowers referred to in overt act number 58, MARIO TORRES-MELENDEZ and DAVID ECHEVARRIA-RIVERA traveled to the Dominican Republic where they met with RAMON TORRES-GONZALEZ.

59. A few days after what was referred to in overt act number 59, RAMON TORRES-GONZALEZ purchase a roller in the Dominican Republic.

60. A few days after what was referred to in overt act number 60, the industrial lawn mowers with the cocaine, referred to in over act number 58 arrived at the Dominican Republic where RAMON TORRES-GONZALEZ, MARIO TORRES-MELENDEZ, and DAVID ECHEVARRIA-RIVERA retrieved the six hundred (600) kilograms of cocaine and placed them inside the roller so they could be imported into

Puerto Rico.

61. When the above mentioned roller arrived in Puerto Rico, MARIO TORRES-MELENDEZ and DAVID ECHEVARRIA-RIVERA transported it to RAMON TORRES-GONZALEZ' house in Dorado, Puerto Rico, where they retrieved the cocaine and stored it inside the house.

62. Sometime during the summer of 1988 RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA traveled from Puerto Rico to New York and transported approximately one hundred and eighty (180) kilograms of cocaine and delivered them to JESUS MARTINEZ a/k/a JESUS GARCIA a/k/a EDDIE CHU, JESUS O. OCASIO a/k/a CHUITO, PETER PARRA, and JOSE PARRA-MORA.

63. A few days after the date referred to in overt act number 63 but prior to July 28, 1988, RAMONTORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO traveled from Puerto Rico to New York and

transported approximately one hundred and twenty (120) kilograms of cocaine in eight (8) suitcases which they delivered to JESUS MARTINEZ a/k/a JESUS GARCIA a/k/a EDDIE CHU and JESUS O. OCASIO a/k/a CHUITO.

64. On September 11, 1988, based on instructions given to him by RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA traveled to Colombia, South America, and hid approximately five hundred (500) kilograms of cocaine in various industrial lawn mowers so they could be imported into the Dominican Republic.

65. During the month of September, 1988, RAMON TORRES-GONZALEZ instructed CARMEN SANTIAGO-FELICIANO to travel to New York to transport four (4) suitcases with cocaine.

66. On September 28, 1988, CARMEN SANTIAGO-FELICIANO met with RAMON TORRES-GONZALEZ, PETER PARRA, and another individual at the Luis Muñoz Marín International Airport in Puerto Rico in order to transport the four (4) suitcases with the cocaine to New York, which she

delivered to JOSE PARRA-MORA.

67. On September 29, 1988, DAVID ECHEVARRIA-RIVERA traveled from Colombia, South America, to the Dominican Republic, where he was arrested upon arrival.

68. After September 29, 1988, the lawn mowers with the cocaine referred to in overt act number 65 arrived in the Dominican Republic where RAMON TORRES-GONZALEZ and MARIO TORRES-MELENDEZ retrieved the cocaine from the lawn mowers, put the cocain inside a roller and imported it into Puerto Rico.

69. Sometime around the month of January, 1989, RAMON TORRES-GONZALEZ instructed DAVID ECHEVARRIA-RIVERA to travel from Puerto Rico to New York with two (2) suitcases containing thirty (30) kilograms of cocaine and deliver them to JOSE PARRA-MORA and PETER PARRA.

70. During the subsequent days to the date referred to in over act number 70, JOSE PARRA-MORA, HENRY PARRA BUITRAGO, and PETER PARRA delivered large amounts of cash to DAVID ECHEVARRIA-RIVERA so he could

transport it to Puerto Rico and deliver it to RAMON TORRES-GONZALEZ.

71. During the first few days of March, 1989, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA traveled to New York to pick up approximately four hundred and fifty thousand dollars ($450,000) from JOSE PARRA-MORA, which were proceeds of the cocaine distribution business.

72. On March 7, 1989, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA traveled from New York to Georgia with the money referred to in overt act number 72, where RAMON TORRES-GONZALEZ purchased various pieces of heavy equipment and made a partial payment of four hundred and eighteen thousand dollars ($418,000) in cash.

73. Sometime around the month of May, 1989, RAMON TORRES-GONZALEZ and DAVID ECHEVARRIA-RIVERA were at the Dominican Republic where they met with MARIO TORRES-MELENDEZ and bought materials and equipment to be used in the construction of two (2) molasses

tanks in which a load of cocaine was going to be imported into Puerto Rico.

74. During the same time as referred to in over act number 74, RAMON TORRES-GONZALEZ instructed MARIO TORRES-MELENDEZ and DAVID ECHEVARRIA-RIVERA to travel from Puerto Rico to the Dominican Republic to build two (2) molasses tanks to be used in the importation of a load of cocaine into Puerto Rico.

75. During the same time as referred to in overt act number 75, RAMON TORRES-GONZALEZ informed MARIO TORRES-MELENDEZ and DAVID ECHEVARRIA-RIVERA that he had sent fifteen (15) industrial lawn mowers from Colombia, South America, to the Dominican Republic containing approximately one thousand two hundred and ninety (1,290) kilograms of cocaine.

76. When the one thousand two hundred and ninety (1290) kilograms of cocaine arrived in the Dominican Republic MARIOTORRES-MELENDEZ took eight (8) kilograms of which he gave DAVID ECHEVARRIA-RIVERA

approximately two (2) kilograms.

77. Sometime around the month of August, 1989, DAVID ECHEVARRIA-RIVERA made arrangements with EVELYN SANTIAGO-FELICIANO so she would body carry from the Dominican Republic to Puerto Rico approximately two (2) kilograms of cocaine.

78. Sometime after the date referred to in overt act number 77, RAMON TORRES-GONZALEZ and MARIO TORRES-MELENDEZ imported from the Dominican Republic into Puerto Rico approximately one thousand two hundred and eighty (1,280) kilograms of cocaine in two (2) steel tanks full of molasses.

79. Subsequent to the date referred to in overt act number 79, RAMON TORRES-GONZALEZ and MARIO TORRES-MELENDEZ took the load of cocaine referred to in overt act number 77 to Philadelphia, Pennsylvania, inside two rollers so JOSE PARRA-MORA could sell it.

80. On December 29, 1989, PABLO PANET-COLLAZO a/k/a EL INDIO took ninety thousand one hundred and eighty-nine

dollars ($90,189.00) to a parking lot in Carolina, Puerto Rico, where he was going to deliver them to RAMON TORRES-GONZALEZ and receive from him approximately twenty (20) kilograms of cocaine.

81. Between the month of December, 1989, and January and March, 1990, RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO traveled in various occasions from Puerto Rico to Philadelphia, Pennsylvania, to pick up in suitcases the unsold part of the shipment of cocaine referred to in overt act number 80, because JOSE PARRA-MORA was not paying RAMON TORRES-GONZALEZ for the same.

82. During different times from 1985 through the date of the return of this indictment DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, JOSE PARRA-MORA, HENRY PARRA-BUITRAGO, PETER PARRA, JESUS MARTINEZ a/k/a JESUS GARCIA a/k/a EDDIE CHU, JESUS O. OCASIO a/k/a CHUITO, WILLIAM GUITIERREZ-VARGAS a/k/a POPEYE, ALFRED

FUSTER-LABOY, PABLO PANET-COLLAZO a/k/a EL INDIO, EMILIO DIAZ-CASTILLO a/k/a MILLITO, ROBERTO RIVERA MARTINEZ, MYRIAM MARTINEZ-COUVERTIER, JUAN AMAOR-RIVERA a/k/a BONNIE, OSVALDO RIVERA-OCASIO a/k/a PAPOTITO, FELIX ORTIZ-SANTIAGO a/k/a TONINA, JUAN ROSA-MARTINEZ a/k/a QUIQUE, EDWIN RIVERA-BONILLA, ANTONIO UMPIERRE-BRASS a/k/a TONY EL GORDO, ALBERTO DIAZ-AGOSTO a/k/a ABY, JUAN PEREZ a/k/a JUNIOR GIGOLO a/k/a EGGY, SAMMY MEDINA-SOLER, and others known and unknown to the Grand Jury distribute for profit RAMON TORRES-GONZALEZ' cocaine which they were aware he was importing into Puerto Rico.

83. Sometime prior to March, 1990, RAMON TORRES-GONZALEZ buried approximately forty-three million dollars ($43,000,000) in cash in his farm in Dorado, Puerto Rico, which constituted proceeds from his narcotics importation and distribution business.

84. On August 3, 1990, DAVID ECHEVARRIA-RIVERA spoke

to JUAN AMARO-RIVERA a/k/a BONNIE in an attempt to collect proceeds from the distribution of cocaine.

86. On August 4, 1990, DAVID ECHEVARRIA-RIVERA spoke to JOE MALDONADO-HERNANDEZ and discussed the narcotics distribution business.

87. On August 13, 1990, DAVID ECHEVARRIA-RIVERA spoke to EDWIN RIVERA-BONILLA in an attempt to collect proceeds from the distribution of cocaine.

88. On August 14, 1990, PABLO PANET-COLLAZO a/k/a EL INDIO and DAVID ECHEVARRIA-RIVERA met at Hilda's Liquor Store in Carolina, Puerto Rico, and discuss the whereabouts of RAMON TORRES-GONZALEZ and his narcotics trafficking business.

89. On August 14 and 15, 1990, DAVID ECHEVARRIA-RIVERA spoke to MARIO TORRES-MELENDEZ and discuss the whereabouts of RAMON TORRES-GONZALEZ, his business an their association with him.

90. On August 17, 23, 27, and 29, and 31, 1990, and on September 1, 4, 5, and 6, 1990 WILLIAM GUTIERREZ-

VARGAS a/k/a POPEYE and DAVID ECHEVARRIA-RIVERA spoke to discuss the where abouts of RAMON TORRES-GONZALEZ and his narcotics trafficking business.

91. On August 17, 1990, WILLIAM GUTIERREZ-VARGAS a/k/a POPEYE spoke to RAMONTORRES-GONZALEZ and informed him that DAVID ECHEVARRIA-RIVERA was not cooperating with the Government.

92. On August 23, 1990, and on September 27, 1990 DAVID ECHEVARRIA-RIVERA spoke to JUAN ROSA-MARTINEZ a/k/a JOHNNY in and attempt to collect proceeds from the distribution of cocaine and where they discussed the narcotics trafficking business.

93. On August 28, 1990, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and FELIX ORTIZ SANTIAGO a/k/a TONINA met to discuss the distribution of cocaine, heroin and marihuana.

94. On August 31, 1990, ANTONIO UMPIERRE-BRASS a/k/a TONY EL GORDO and DAVID ECHEVARRIA-RIVERA met to discuss the distribution of cocain and heroin.

95. On September 1, 1990, RAMON TORRES-GONZALEZ spoke to DAVID ECHEVARRIA-RIVERA and instructed him to obtain a false birth certificate and passport so he could travel to Colombia, South America, and the Dominican Republic in order to assist RAMON TORRES-GONZALEZ in his narcotics trafficking business.

96. On September 5, 1990, RAMON TORRES-GONZALEZ spoke to DAVID ECHEVARRIA-RIVERA to inquire if he had obtained the false identification referred to in overt act number 95.

96. On September 26, 1990 OSVALDO RIVERA-OCASIO a/k/a PAPOTITO, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO met and discussed the narcotics distribution business.

97. On October 1, 1990, EDGARDO RODRIGUEZ-TILLET a/k/a EGGY and DAVID ECHEVARRIA-RIVERA met and discussed the narcotics distribution business and RAMON TORRES-GONZALEZ.

98. On October 12, 1990, ROBERTO RIVERA-MARTINEZ,

MYRIAM MARTINEZ-COUVERTIER, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO spoke and discussed the distribution of cocaine and heroin.

99. On October 19, 1990, DAVID ECHEVARRIA-RIVERA and CARMEN SANTIAGO-FELICIANO met with EDWIN RIVERA-BONILLA and JUAN ROSA-MARTINEZ a/k/a JOHNNY where EDWIN RIVERA-BONILLA gave DAVID ECHEVARRIA-RIVERA five hundred dollars ($500) which were proceeds from the narcotics distribution business.

100. On October 24, 1990, EMILIO DIAZ-CASTILLO a/k/a MILLITO and DAVID ECHEVARRIA-RIVERA spoke and discussed their narcotics businesses with RAMON TORRES-GONZALEZ.

101. On October 26, 1990, JUAN ROSA-MARTINEZ a/k/a JOHNNY and DAVID ECHEVARRIA-RIVERA spoke and discussed the debt that EDWIN RIVERA-BONILLA had with DAVID ECHEVARRIA-RIVERA.

COUNT TWO

On or about January 23, 1985, at San Juan, Puerto Rico, within the jurisdiction of this Court, the defendant herein: RAMON TORRES-GONZALEZ unlawfully, willfully, intentionally, and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated that his true name was NELSON VARGAS-COLTON, wich statement he knew to be false, in violation of Title 18, United States Code, section 1542.

COUNT THREE

On or about July 15, 1985, at San Juan, Puerto Rico, within the jurisdiction of this Court, the defendant herein: RAMON TORRES-GONZALEZ, unlawfully, willfully, intentionally, and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the

defendant stated that his true name was JORGE LUIS SANTANA-MATOS, which statement he knew to be false, in violation of Title 18, United States Code, section 1542.

COUNT FOUR

On or about July 15, 1985, at San Juan, Puerto Rico, within the jurisdiction of this Court, the defendant of this court, the defendant herein: IRIS JANET CONCEPCION-PEREZ, unlawfully, intentionally, and knowingly made a false statement in an application for a passport with intent to induce and secure for her own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated that her true name was DAMARIS DIAZ-DIAZ, which statement she knew to be false, in violation of Title 18, United States Code, Section 1542.

COUNT FIVE

On or about November 2, 1985, at Carolina, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and

others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately seventeen (17) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 60; and Title 18, United States Code, Section 2.

COUNT SIX

On or about November 2, 1985, at Carolina, Puerto Rico, and elsewhere within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, willfully, intentionally, and knowingly possess with intent to distribute approximately seventeen (17) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, all in violation of Title 21, United States Code, Section 841 (a) (1), and Title 18, United States Code, Section 2.

COUNT SEVEN

On or about November 19, 1985, at Carolina, Puerto Rico, and within the District of Puerto Rico, the defendants herein: RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO, aiding and abetting each other, did intentionally, knowingly and willfully fail to file an International Transportation of Currency or Monetary Instrument Report on Customs Form 4790, in connection with the transportation of a sum of United States currency in excess of ten thousand dollars ($10,000), from Carolina, Puerto Rico, U.S.A., to Colombia, South America, that is approximately one hundred thousand dollars ($100,000), and which offense was committed by the defendants herein as part of a pattern of illegal activity involving transactions exceeding one hundred thousand dollars ($100,000) within a twelve month period, that is a pattern of transactions existing between on or about November 19, 1985, and on or about the month of April, 1986, inclusive as more fully set forth in Counts 1 and 14 of this indictment and incorporated by reference herein; all in violation of Title 31, United States Code, Sections 5316 and 5322 (b), and Title 18, United States Code, Section 2.

COUNT EIGHT

On or about December 8, 1985 at Mayaguez, Puerto Rico, within

the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately thirty-five (35) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT NINE

On or about December 8, 1985, at Mayaguez, Puerto Rico, and elsewhere within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, and knowingly possess with intent to distribute approximately thirty-five (35) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, all in violation of Title 21,

United States Code, Section 841 (a) (1), and Title 18, United States Code, Section 2.

COUNT TEN

Between December 19, 1985, and December 30, 1985, at Carolina, Puerto Rico, and within the District of Puerto Rico, the defendants herein: RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, and CARMEN SANTIAGO-FELICIANO, aiding and abetting each other, did intentionally, knowingly and willfully fail to file an International Transportation of Currency or Monetary Instrument Report on Customs Form 4790, in connection with the transportation of a sum of United States currency in excess of ten thousand dollars ($10,000), and which offense was committed by the defendants herein as part of a pattern of illegal activity involving transactions exceeding one hundred thousand dollars ($100,000) within a twelve month period, that is, a pattern of transactions existing between on or about November 19, 1985, and or about November 19, 1985, and or about the month of April, 1986, inclusive as more fully set forth in Counts 6 and 14 of this indictment and incorporated by reference herein; all in violation of title 31, United States Code, Sections 5316 and 5322(b), and Title 18, United States Code, Section 2.

COUNT ELEVEN

On or about January 3, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately thirty (30) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT TWELVE

On or about January 3, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly possess with the

intent to distribute approximately thirty (30) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT THIRTEEN

On or about April 9, 1986, at Ponce, Puerto Rico, within the jurisdiction of this Court, the defendants herein: DAVID ECHEVARRIA-RIVERA, did unlawfully, willfully, intentionally, and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated that his true name was VICTOR VELEZ-MARTINEZ, which statement he knew to be false, in violation of Title 18, United States Code, Section 1542.

COUNT FOURTEEN

On or about April 9, 1986, at Ponce, Puerto Rico, within the jurisdiction of this Court, the defendant herein: CARMEN SANTIAGO-FELICIANO, unlawfully, willfully, intentionally, and knowingly made a

false statement in an application for a passport with intent to induce and secure for her own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated that her true name was IRIS YOLANDA FELICIANO-MERCED, which statement she knew to be false, in violation of Title 18, United States Code, Section 1542.

COUNT FIFTEEN

On or about the month of April, 1986, at Carolina, Puerto Rico, within the District of Puerto Rico, the defendants herein: RAMON TORRES-GONZALEZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, aiding and abetting each other, did intentionally, knowingly and willfully fail to file an International Transportation of Currency or Monetary Instrument Report on Customs Form 4790, in connection with the transportation of a sum of United States currency in excess of ten thousand dollars ($10,000), form Carolina, Puerto Rico, U.S.A., to Colombia, South America, that is approximately one hundred thousand dollars ($100,000), and which offense was committed by the defendants herein as part of a pattern of illegal activity involving transactions

exceeding one hundred thousand dollars ($100,000) within a twelve month period, that is, a pattern of transactions existing between on or about November 19, 1985, and on or about the month of April, 1986, inclusive as more fully set forth in Counts 6 and 9 of this indictment and incorporated by reference herein; all in violation of Title 31, United States Code, Sections 5316 and 5322 (b), and Title 18, United States Code, Section 2.

COUNT SIXTEEN

On or about the month of April or May, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately thirty-five (35) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT SEVENTEEN

On or about the month of April or May, 1986, at Mayaguez, Puerto

Rico, and elsewhere within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly posses with intent to distribute approximately thirty-five (35) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, all in violation of Title 21, United States Code, Sections 841 (a) (1) , and Title 18, United States Code, Section 2.

COUNT EIGHTEEN

On or about July 13, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately twenty (20) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and

960; and Title 18, United States Code, Section 2.

COUNT NINETEEN

On or about July 13, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, willfully, intentionally, and knowingly possess with intent to distribute approximately twenty (20) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841 (a) (1), and Title 18, United States Code, Section 2.

COUNT TWENTY

On or about September 14, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the

United States from a place outside thereof, approximately twenty-eight (28) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT TWENTY-ONE

On or about September 14, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, willfully, intentionally, and knowingly possess with intent to distribute approximately twenty-eight (28) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841 (a) (1), and Title 18, United States Code, Section 2.

COUNT TWENTY-TWO

On or about December 11, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, DAVID

ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately thirty (30) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT TWENTY-FIVE

On or about February 28, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, MARIO TORRES-MELENDEZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately two hundred and eighty (280) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 952 and 960; and Title 18, United States Code, Section 2.

COUNT TWENTY-SIX

On or about February 28, 1986, at Mayaguez, Puerto Rico, within the jurisdiction of this Court, the defendants herein: RAMON TORRES-GONZALEZ, IRIS JANET CONCEPCION-PEREZ, MARIO TORRES-MELENDEZ, DAVID ECHEVARRIA-RIVERA, CARMEN SANTIAGO-FELICIANO, and others known and unknown to the Grand Jury, aiding and abetting each other, did unlawfully, intentionally, willfully, and knowingly import into the United States from a place outside thereof, approximately two hundred and eighty (280) kilograms (gross weight) of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a) (1), and Title 18, United States Code, Section 2.

COUNT TWENTY-SEVEN

Beginning on or about the early months of 1985, and continuing up to and until the date of the return of this indictment, in San Juan, Carolina, Dorado, Vega Alta, Juncos, Ponce, Mayaguez, Puerto Rico, Dominican Republic, New York, New Jersey, Massachusetts, Pennsylvania, Florida, Georgia, Mexico, Colombia, South America, and elsewhere within the jurisdiction of this Court the defendant herein RAMON TORRES-GONZALEZ did unlawfully, willfully, intentionally and knowingly engage

in a continuing criminal enterprise in that the defendant herein did violate provisions of title 21, United States Code, subchapters I and II as alleged in counts 1, 5, 6, 8, 9, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 25 and 26, of this indictment, which counts are realleged and incorporated herein by reference as if fully set forth in this Count, which violations were part of a continuing series of violations of subchapters I and II of the Comprehensive Drug Abuse Control Act of 1970, Title 21, United States Code, Section 801, et seq., as amended; undertaken by RAMON TORRES-GONZALEZ, in concert with at least five other persons with respect to whom the defendant herein occupied a position of organizer, supervisor and manager, and from which continuing series of violations the defendant herein obtained substantial income and resources, all in violation of Title 21, United States Code, Section 848.

TRUE BILL

November 1, 1990
DATE

JUAN C. RAMOS (SIGNED)
FOREPERSON

Jose A. Quiles
Chief, Criminal Division

Date

SIGNED _____ 11/1/90
Guillermo Gil
Trial Attorney U.S. Dept. of Justice
Date

SIGNED _____ 11.01.90
Everett M. de Jesus
Trial Attorney U.S. Dept. of Justice
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA*
*
v. * CR. NO.: 90-370 (CCC)
*
RAMON TORRES-GONZALEZ *
Defendant. *
****

PLEA AGREEMENT

IT IS HEREBY AGREED by and between the United States of America and the defendant RAMON TORRES-GONZALEZ, and pursuant to Rule 11(e) of the Federal Rules of Criminal Procedure, as follows:

1. RAMON TORRES-GONZALEZ will plead guilty to count Twenty-Seven (27) of indictment 90-370 (CC) which charges him with engaging in a continuing criminal enterprise from the beginning of 1985 through and up to November 1, 1990, in violation of Title 21, United States Code, Section 848, as amended.

2. The defendant RAMON TORRES-GONZALEZ is aware that he cannot be placed on probation or have the imposition or execution of the sentence suspended. Further, the defendant is also aware that he is not eligible for parole. The penalty applicable to this case is a mandatory

minimum of 10 years and a maximum of life imprisonment, a fine not greater than $100,000.00 and forfeiture of all drug-related assets, as well as a mandatory penalty assessment, a fine not greater than $100,000.00 and forfeiture of all drug-related assets, as well as a mandatory penalty assessment of fifty dollars ($50.00) to be deposited in the Crime Victim Fund, pursuant to Title 18, United States Code, Section 3013.

3. RAMON TORRES-GONZALEZ will testify fully and truthfully before the Federal Grand Jury and at any trial relating to narcotic trafficking activities in Puerto Rico and elsewhere during previous years and any other criminal violations of law, including his participation and that of others, in the case in which he is pleading guilty, and at any other trial(s) or proceedings as required.

4. In connection with his federal trials and Grand Jury testimony RAMON TORRES-GONZALEZ will cooperate fully with the United States Department of Justice, and the attorneys of the United States of Justice will have the sole discretion to determine whether such cooperation has been full, complete and truthful; however, such discretion shall be reasonably exercised.

5. Defendant RAMON TORRES-GONZALEZ agrees to make a

full and complete disclosure of all assets over which he exercise control, directly or indirectly, or in which defendant has any financial interest. The defendant agrees to forfeit, and hereby forfeits, any interest he may have in any drug or money laundering related assets. Should the United States discover any additional drug or money laundering related assets not disclosed by the defendant, the same shall be subject to forfeiture.

6. The United States shall explain and make known to the Court at sentencing any and all of the defendant's cooperation with the United States, and at any other proceeding requested by defendant.

7. Upon RAMON TORRES-GONZALEZ' plea of guilty to the above mentioned count, the United States agrees not to charge RAMON TORRES-GONZALEZ in the District of Puerto Rico with any of the other crimes committed, about which RAMON TORRES-GONZALEZ has previously informed the United States if he testifies fully and truthfully at any Grand Jury(ies) or trial(s).

It is understood that defendant RAMON TORRES-GONZALEZ may be prosecuted for perjured, willfully misleading or false testimony provided by him during any testimony before any Federal Grand Jury or other proceedings.

8. RAMON TORRES-GONZALEZ must at all times give complete, truthful, and accurate information and testimony. This means, for instance, that he must neither minimize his own actions nor fabricate anyone else's involvement. His status does not hinge upon "making" a case against someone else; it is dependent solely upon him being truthful about the facts, whatever those may be.

9. If RAMON TORRES-GONZALEZ does not cooperate fully, and testify fully and truthfully before any Grand Jury and at any trials concerning his participation and that of other in narcotic trafficking activities in Puerto Rico, and in any other criminal violations, then the United States' obligations under this plea agreement shall be null and void, and the United States shall be free to prosecute RAMON TORRES-GONZALEZ for all of his criminal activities, including perjury.

10. The parties understand that defendant's sentence of incarceration will be under the sentencing laws applicable under the Comprehensive Crime Control Act of 1984 and not the Sentencing Guidelines which came into effect on November, 1987. 11. At the time of sentencing the United States will make a recommendation of eighteen years of imprisonment. However, RAMON TORRES-GONZALEZ

understands that the sentence to be imposed is within the discretion of the sentencing judge. If the Court should impose any sentence up to the maximum established by statute, the defendant cannot, for that reason alone, withdraw his guilty plea and will remain bound to fulfill all of the obligations under this plea agreement. At the time of sentencing the United States will against RAMON TORRES-GONZALEZ.

12. Defendant agrees to pay the Special Monetary Assessment of fifty dollars ($50.00) on or before the date of sentence.

13. It is specifically understood by RAMON TORRES-GONZALEZ that this plea agreement does not extend to or bind any other federal districts other than the Judicial District of Puerto Rico, federal, civil and/or States or Commonwealth of Puerto Rico tax authorities.

14. It is understood by RAMON TORRES-GONZALEZ that he is entering into this plea agreement without compulsion, threats or promises from the United States or any of its agents, other than those explicitly indicated in this document.

15. No additional promises, terms and/or conditions have been entered into other those set forth in this plea agreement and non will be entered into unless in writing and signed by all parties.

In San Juan, Puerto Rico, this 31st day of January, 1992.

CHARLES E. FITZWILLIAM
Acting, United States Attorney

SIGNED
Jose A. Quiles
Chief, Criminal Division

SIGNED
Guillermo Gil
Trial Attorney
U.S. Department of Justice

SIGNED
RAMON TORRES-GONZALEZ
Defendant

SIGNED
John A. Michelich
Trial Attorney
U.S. Department of Justice

SIGNED
Benito Rodriguez-Masso
Attorney for Defendant

UNITED STATES DISTRICT COURT
JUDICIAL DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Vs.

JUDGMENT IN A CRIMINAL CASE (RE-SENTENCE)
(For Offenses Committed On or After November 1, 1987)

RAMON TORRES GONZALEZ a/k/a REYa/k/a EL LOCO a/k/a JORGE SANTANA, a/k/a NELSON VARGAS
(Name of Defendant)

Case Number 90-CR-370-1(CCC)

SEAL

Richard O. Dansoh
Defendant's Attorney

THE DEFENDANT:

[x] Pleaded guilty to count Twenty seven (27)
[ ] was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjuged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21: 848	Engaged in continuing criminal enterprise		Twenty Seven (27)

The defendant is sentenced as provided in pages w through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

[ ] The defendant has been found not guilty on count(s) _____ and is discharged as to such counts.

[x] Count(s) 1 thru 3, 5 thru 12 and 15 thru 26 are dismissed on the motion of the United States.

[x] It is ordered that the defendant shall pay a special monetary assessment of $50.00 for count Twenty Seven (27), which shall be due [ ] immediately [x] as follows: If defendant has not paid SMA in the sum of $50.00 which was originally imposed by the Court, he is ordered to pay it.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.:_____
Defendant's date of Birth:_____
U.S. Marshal No. : 14619-053

February 15, 2000
Date of Imposition of Sentence

Defendant's Mailing Address:

Barrio Campanilla, Calle Principal #243
Toa Baja, Puerto Rico

Signed
Signature of Judicial Officer

Carmen Consuelo Cerezo, U.S.D.J.
Name & Title of Judicial Officer

Defendant's Residence Address:

Same as above

February 18, 2000
Date

S/C J. Santos, W. Short

Defendant RAMON TORRES GONZALEZ, a/k/a REY, a/k/a EL LOCO, a/k/a JORGE SANTANA, a/k/a NELSON VARGAS
Case Number 90-CR-370-01 (CC)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of EIGHTEEN (18) YEARS.

[x] The Court makes the following recommendations to the Bureau of Prisons:

That defendant be incarcerated at a designated federal institution in Coleman, Orlando, Florida, and he be afforded drug treatment.

[x] The defendant is remanded to the custody of the United States Marshal.

[ ] The defendant shall surrender to the United States Marshal for this district.

[ ] at a.m/p.m. on_____

[ ] as notified by the Marshal.

[ ] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

[ ] before 2:00 pm. on _____

[ ] As notified by the Probation Office.

RETURN

I have executed the judgment as follows:

_____

_____

_____

Defendant delivered on _____ to _____

at _____ with a certified copy of this Judgment.

_____
United States Marshal

By_____
Deputy Marshal

U.S. Department of Justice
Drug Enforcement Administration

1. PROGRAM CODE (Continuation)	2. CROSS RELATED FILES	3. FILE NO. G5-90-0010	4. G-DEP- IDENTIFIER IL1-C1
5. BY: Fernando Feliciano S/A, San Juan, P.R.		6. FILE TITLE TORRES-GONZALEZ, Ramon A.	
7. _Closed _Requested Action Completed _Action Requested By:		8. DATE PREPARED February 19, 1991	

9. OTHER OFFICERS:
See Paragraph #8

10. REPORT RE:
Seizure of $13,848,455.00 (Exhibits N-83 and FBI-54) and Exhibit N-97 on 12/14/91

DETAILS:

1. On December 14, 1990, defendants Janet CONCEPCION-Pérez and Ramón A. TORRES-González advised U.S. Department of Justice Trial Attorney Guillermo Gil-Bonar and S/A Fernando A. Feliciano that approximately 13.8 million dollars (drug proceeds) could be found at CONCEPCION-Pérez father's (Mr. José Concepción) house in Vega Baja, Puerto Rico. The money was part of 25 million dollars that TORRES-González had accumulated over several years from his drug deals.

2. The San Juan District Office (SJDO) formulated plans to visit Mr. José Concepcion's hours and seize the money. On the same date during evening hours, the agents mentioned in paragraph 8 of this report traveled to Vega Baja, Puerto Rico accompanied by Trial Attorneys Gil-Bonar and Everett De

Jesús. Mr. Concepción had already consented to have the agents enter his house and seize all the money.

3. S/A Feliciano, PRPD/Agent Andaluz and Attorney Gil-Bonar met with Mr. Concepción in a parking lot of a nearby shopping center in Vega Baja, and coordinated the seizure of the money. S/A Feliciano and PRPD/A Andaluz accompanied Mr. Concepción to his residence at Parcelas del Carmen, Vega Baja, Puerto Rico. Once in the residence, Mr. Concepción provided the agents with tools to beak down a cement wall which covered a secret space where the money hidden in one of the bedrooms.

4. Mr. Concepción and the agents look the money and jewelry which were contained in trash bags, placed them in Mr. Conception's pick up truck and, escorted by surveillance units, took the money and the jewelry to a pre-designated location where they were transferred to official government vehicles. The money and the jewelry were then taken to the SJDO under escort and placed in the secure storage area for temporary safekeeping.

5. On December 17, 1990, S/A's Phillips Jessar and Thomas Kusen retrieved the money and jewelry from the storage area for processing. On December 17, and 18, 1990, the money was transported to Miami, Florida via DEA aircraft by S/A Kusen to be counted by personnel of the

11. DISTRIBUTION: REGION MFD/DIG	12. SIGNATURE (Agent) /signed/ Fernando Feliciano, Special Agent	13. DATE 4/21/91
DISTRICT	14. APPROVED (Name and Title) /signed/	15. DATE
OTHER AMRT; OC; OICC	Michael F. Fredericks, Group Supervisor	(Illegible)

DEA Form
(July 1980)

DEA SENSITIVE
DRUG ENFORCEMENT ADMINISTRATION

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REPORT OF INVESTIGATION (Continuation)	3. FILE NO. 4. G-DEP- IDENTIFIER G5-90-0010 IL1-C1
4. Page 2 of 2	6. FILE TITLE TORRES-GONZALEZ, Ramon A.
5. Program Code	8. DATE PREPARED February 19, 1991

Southeast Bank, N.A. S/A's Kusen and Jessar maintained custody of the money until December 20, 1990 when the money was turned over to Southeast Bank, N.A. issued two cashier's checks for $6,924,227.50 each. Cashier's check number 2158347 has been identified as Exhibit N-83 and was turned over to the U.S. Marshals Service in Puerto Rico. Cashier's check number 2158348 was subsequently turned over to the Federal Bureau of Investigation (FBI), San Juan Divisional Office, for processing.

6. S/A Feliciano maintained custody of the jewelry which has been identified

as Exhibit N-97. The jewelry consists of several items appraised at $429,750.00 (See DEA 453, dated 1/7/91). Once the jewelry seizure warrant, miscellaneous number 90-65 (Civil No. 90-1652). The jewelry was seized administratively.

7. The seized money had a musty odor and was in bundles of different denomination bills (100, 50, 20, and 5 dollar-bills) wrapped with rubber bands. The money was seized-pursuant to a judicial seizure warrant, miscellaneous number 90-65 (Civil No. 90-1652). The jewelry was seizes administratively.

8. Other Officers: Special Agents: Thomas Geisel, Philip Jessar, Jefferson Justice; Puerto Rico Police Department Agent Miguel Andaluz; U.S. Department of Justice Trial attorneys Guillermo Gil-Bonar and Everett De Jesús.

CUSTODY OF EVIDENCE:

1. S/A Feliciano seized Exhibits N-83, N-97 and FBI-54 on December 14, 1990 at Vega Baja, Puerto Rico. That same date, S/A Feliciano secured the exhibits at the San Juan district Office (SJDO). S/A Feliciano maintained the custody of Exhibit N-97 until relinquishing custody to be U.S. Marshals

Service. On December 17 and 18, 1990, S/A Kusen took custody of Exhibit N-83 and FBI-54 at the SJDO and transported same to the Miami Field division for temporary storage. The quantity of money necessitated two separate trips. On December 20, 1990, S/A Kusen turned the exhibits over to Southeast Bank, N.A. for counting and conversion to cashier's checks.

INDEX SECTION:

1. TORRES-González, Ramón A. - NADDIS 1245233.

2. CONCEPCION-Pérez, Janet - NADDIS 2674605.

DEA Form (July 1980)
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